



TO: Unemployment Insurance Benefits Division
Unemployment Insurance Appeals Division
Unemployment Insurance Review Board
Legal Support
Regional Coordinators
WorkOne Local Office Managers

FROM: Ronald L. Stiver, Commissioner

DATE: August 3, 2006

SUBJECT: DWD Policy 2006-03
Unemployment Insurance Overpayment Waiver Policy
for the Period Beginning July 2, 2006

RE: All unemployment insurance funded sources administered by the
Indiana Department of Workforce Development

Purpose

To set forth the guidelines for discretionary waiver of benefit overpayments established after July 1, 2006

Rescission DWD Policy 2002-29, Overpayment Waiver Policy

Contents

Eligibility for Waiver of Benefit Overpayments: In accordance with IC 22-4-13-1(f), the Department may waive an overpayment established after July 1, 2006 only if all of the following criteria are met:

1. The benefits were received:
 - a. following a determination of eligibility or appeals decision that allowed claimant to receive benefits while waiting for a decision from a subsequent appeal to a higher authority (either from an Administrative Law Judge or the Unemployment Insurance Review Board); or
 - b. because of an error by the employer or the department;
2. The subsequent decision denied benefits, thus causing the overpayment;
3. The employer(s) being charged for the benefits was NOT an employer who elected to make payments in lieu of contributions (reimbursable employer);
4. The claimant was without fault in the payment of benefits; and
5. The claimant establishes that the repayment of the overpayment would cause economic hardship.

The factors considered in evaluating whether or not repayment will cause an economic hardship are:

1. Federal Department of Health and Human Services Poverty Guidelines and;
2. With the exception of claimant's primary residence and automobile, consider assets valued in excess of \$1000; including, but not limited to:
 - a. checking, savings, CD's, and money market accounts; and
 - b. other homes, cars, motorcycles, travel trailers, ATVs, stocks, bonds, investments, etc.

Procedure

The claimant must request a waiver of overpayment by completing an Overpayment Waiver Request and submitting it to Indiana Department of Workforce Development's Benefit Payment Control. No overpayment hardship waiver will be considered for one year following the establishment of the overpayment or the completion of any appeals of the issue which caused the overpayment, whichever is later.

The application must be legible and complete. All documentation must be included with the application when it is submitted. The application must be requested from Benefit Payment Control by telephone, fax, or mail. Benefit Payment Control staff will pre-screen requests to ensure that the overpayment qualifies for waiver based upon the criteria above prior to sending out the application. **Claimants requesting a waiver application at a local office should be referred to Benefit Payment Control.**

All waiver requests will be transmitted to Benefit Payment Control. Applications will be examined to ensure that the base qualifications are met. The claimant's financial situation will then be examined. Recommendation will be made to the Deputy Commissioner of Employment Growth and to the General Counsel for final decision. The waiver decision will be conveyed to the claimant by letter. The waiver decision cannot be appealed to an Administrative Law Judge.

Contact for Requests and Applications

Indiana Department of Workforce Development
Benefit Payment Control
10 North Senate Avenue
Indianapolis, IN 46204
Telephone: 317.233.5718
317.233.4838
317.233.4839
FAX: 317.234.2932

Policy Ownership

Indiana Department of Workforce Development
Benefit Payment Control
10 North Senate Avenue
Indianapolis, IN 46204

Effective Date

Immediately

Review Date

July 1, 2008

Action

All staff with the unemployment insurance program should be notified regarding this policy. Any questions regarding this communication may be addressed to the Supervisor of Benefit Payment Control at 317.232.7490.